

ITEM: 24

SUBJECT: Mr. Nick Petsas and Lake Berryessa Enterprises, Inc. II and the United States Department of the Interior, Bureau of Reclamation, dba Putah Creek Resort, Napa County

BOARD ACTION: Consideration of Rescission of Cease and Desist Order R5-2005-0002

BACKGROUND: On 27 January 2005, the Central Valley Water Board adopted Cease and Desist Order (CDO) R5-2005-0002 for the Putah Creek Resort Wastewater Treatment Facility. The treatment system was operated by Mr. Nick Petsas and Lake Berryessa Enterprises, Inc. II on federal land administered by the United States Department of Interior, Bureau of Reclamation (USBR). The CDO required that the Dischargers address: (a) violation of the permitted flow limit of 30,000 gallons per day (gpd), (b) violations of the wastewater pond freeboard limit, and (c) inadequate wastewater storage and disposal capacity.

The concessionaire contract between the USBR and Lake Berryessa Enterprises, Inc. II expired on 13 August 2008, and the USBR entered into an agreement with a new concessionaire to operate the resort in April 2010. According to the USBR, all water and sewer systems have been disabled and there has been no discharge to the treatment system since 13 July 2008. The USBR plans to remove all water and wastewater infrastructure and these systems will be reconstructed by the new concessionaire later.

ISSUES:

RECOMMENDATION: Rescind Cease and Desist Order R5-2005-0002

Mgmt. Review \_\_\_\_\_

Legal Review \_\_\_\_\_

September 23, 2010  
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